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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,379	11/19/2001	Steven J. Borelli	10547.20US2	5630

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EXAMINER

BUCHANAN, CHRISTOPHER R

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 12/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/992,379

Applicant(s)

BORELLI ET AL.

Examiner

Christopher R Buchanan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickinson et al. alone.

With regard to claim 1, Dickinson discloses a method for provisioning services that includes receiving a user selection for one or more services available via the network (abstract, see Figs. 7-9, col. 5 line 45+), receiving registration information from the user including billing information and a user identifier (col. 3 line 22+, col. 4 line 40+), authenticating the user information and communicating it to the service provider (col. 5 line 50+, common practice, inherent), communicating the user and service information to a billing engine (col. 5 line 46+, abstract), and billing the user for services used (abstract, col. 2 line 1+, col. 4 line 47+, col. 5 line 46+, col. 6 line 58+). With regard to claim 2, available services can be retrieved from a catalog (col. 4 line 47+, see Fig. 8). With regard to claims 3-5, broadband type access is well known (col. 5 line 1+) and it would be obvious to one skilled in the art to determine if any peripheral services or devices are needed in order to provide a service, since this is common practice and well known in the art (e.g., cable box for pay per view services).

3. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickinson et al. alone.

With regard to claim 6, Dickinson discloses a system for aggregating services from multiple providers and providing the services to end users (see Fig. 1) that includes a catalog of available services available to users having rate and payment information (col. 2 line 43+, col. 4 line 47+, col. 5 line 30+, see Fig. 8), a rating engine for processing service usage and reconciling payments (abstract, col. 4 line 47+, col. 5 line 46+, col. 6 line 58+), and a provisioning subsystem that allows services to be provided to the user and creates usage events for processing by the rating engine (col. 7 line 44+, see Figs. 7-9, inherent in the invention). With regard to claims 7 and 8, the system has a standardized interface (see Figs. 7-9, col. 6 line 59+) and an IP address rules server to provide user access to services (col. 4 line 66+).

4. Claims 9-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickinson et al. alone.

With regard to claims 9 and 10, Dickinson discloses a computer readable media having instructions and a method for provisioning services that includes receiving a user selection for one or more services available via the network (abstract, see Figs. 7-9, col. 5 line 45+), receiving registration information from the user including billing information and a user identifier (col. 3 line 22+, col. 4 line 40+), authenticating the user information and communicating it to the service provider (col. 5 line 50+, common practice,

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inherent), communicating the user and service information to a billing engine (col. 5 line 46+, abstract), and billing the user for services used (abstract, col. 2 line 1+, col. 4 line 47+, col. 5 line 46+, col. 6 line 58+). Broadband type access is well known (col. 5 line 1+) and it would be obvious to one skilled in the art to determine if any peripheral services or devices are needed in order to provide a service, since this is common practice and well known in the art (e.g., cable box for pay per view services). With regard to claims 11-14, query messages can be received by an ISP website, a provider order entry system, a customer service rep (col. 2 line 1+, col. 5 line 30+, common practice), and could include a variety of information, such as user system details. With regard to claims 14-17, it is well known and common practice for service providers to determine system capabilities and to prioritize users. With regard to claims 18 and 19, the catalog includes rating guidelines and an IP address rules server is used to provide user access to services (col. 4 line 66+).

5. Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickinson et al. alone.

Dickinson discloses a computer readable media having instructions and a method for provisioning services that includes receiving a user selection for one or more services available via the network (abstract, see Figs. 7-9, col. 5 line 45+), receiving registration information from the user including billing information and a user identifier (col. 3 line 22+, col. 4 line 40+), authenticating the user information and communicating it to the service provider (col. 5 line 50+, common practice, inherent), communicating

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the user and service information to a billing engine (col. 5 line 46+, abstract), and billing the user for services used (abstract, col. 2 line 1+, col. 4 line 47+, col. 5 line 46+, col. 6 line 58+). Broadband type access is well known (col. 5 line 1+) and it would be obvious to one skilled in the art to determine if any peripheral services or devices are needed in order to provide a service, since this is common practice and well known in the art (e.g., cable box for pay per view services).

Response to Arguments

6. Applicant's arguments filed October 17, 2003 have been fully considered but they are not persuasive. Applicant argues that the rejection has failed to establish where the Dickinson reference discloses each and every element of the claims. The examiner contends, however, that the elements of the claims are disclosed by Dickinson or are inherent in the reference, and the examiner stands by the rejection. For example, applicant argues that it has not been established where Dickinson discloses "receiving a user selection of one or more services that have been deemed to be available to the user via the network." In the rejection, the examiner refers to Figs. 7-9 for these elements, which show a variety of available services displayed to a user via a graphical interface, thus disclosing one or more services that have been deemed to be available to the user via the network.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R Buchanan whose telephone number is 703-306-5782. The examiner can normally be reached on M-T 9-7.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 703-308-5183. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



Christopher Buchanan
December 3, 2003

 12/10/03
MICHAEL CUFF
PRIMARY EXAMINER